

UNITED STATE DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Danny M. Kelly, pro se
26 School St.
Chelmsford, MA 01863

Plaintiff

Civil Action

eBay Inc.
2025 Hamilton Avenue
San Jose, California 95125 Defendant

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U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COMPLAINT

Participants

The Plaintiff is a resident of the Commonwealth of Massachusetts and a United States Citizen.

The Defendant, eBay, is a duly organized corporation based within the United States.

Jurisdiction

Jurisdiction comes from request for equity and title 28 § 1331, per federal question. The cause is based upon eBay's fraudulent acts against Plaintiff in violation of RICO act 18 U.S.C. § 1962 with civil action under 18 U.S.C. § 1964.

Background

eBay is fraudulently presenting their money back guarantee by claiming you will receive your money back if you do not receive the item you bought. However, ebay does not give a person their money back if the Seller/shipper provides any tracking number for a package that shows delivery in your zip code¹. eBay ignores the issue that the package was not addressed to the Buyer/receiver. The refusal of ebay to consider the actually addressee or even the size of the package has created a situation that not only allows sellers to steal from buyers but prevents the buyer from being able to get a refund from the shipping company.

Note: most shipping companies guarantee the delivery of the package, but these claims to the shipping companies have to be done by the shipper/seller. So when ebay accepts fake tracking numbers as a guarantee of delivery the buyer has no means to make a claim to the shipper. eBay will not provide the actual shipping label and information to the Buyer.

This scam being supported and ran by eBay has been going on for many years now² and eBay refuses to correct this blatant scam³. Yet it would be extremely easy to correct. All eBay has to do is have the Seller place a claim with the shipping company that can then be returned to the Buyer. Assuming, of course, the Seller is the sender for the tracking number.

¹ eBay does not require a copy of the shipping label, only a tracking number to verify delivery.

² Looks to me that it has been a well-known eBay scam since 2018.

³ eBay could require a copy of the shipping label rather than requiring the buyer to prove the tracking number was not address to them. You can only get addressing information for a tracking number if you are the addressee or sender.

This eBay scam has now been pulled on me a couple of times in the last 3 months and all I can find out is that most people loose their money. The problem is well known, but like normal, organizations like the FBI and US Attorney will not pursue any case unless it is for personal profit. eBay being a large powerful corporation is thus exempt from things like wire fraud.

Statement of Facts

1. I ordered a Graco Sprayer off eBay, order number 402766832769 on April 1st 2021 from a seller, litaoqw, based in China who had 100% positive rating and was a member since 2/12/2018.
2. On April 7th 2021 I was notified that my item had shipped from China with a tracking number, LY719078522CN, due to arrive by May 13th.
3. When the Sprayer did not arrive on May 13th, I per eBay's instructions contacted the Seller.
4. The Seller did not respond by May 16th, so I wanted to have eBay step in, but eBay said they could not until May 19th.
5. On May 19th, eBay claimed they could not step in until May 25th when I realized that whenever you try to ask ebay for help they always claim you cannot of another 6 days, so I filed a complaint at 9:47AM Ref # 5268937007 anyway.
6. Then at 10:47AM the Seller updated the shipping tracking number with one from USPS, 9400109898642673080987.

7. At 6:36 PM eBay notified me that my item had arrived and I had to take some action in 24 hours or my case would be closed.
8. Recognizing the standard eBay tracking number scam around 8:00PM I tried to update eBay's resolution center with my response about it being an obvious tracking number scam. However, ebay would not allow me to answer claiming technical difficulties. I tried multiple times and different responses, but with no luck.
9. I contacted USPS and verified that the package was not sent to my address and weighed only ½ lb. (It should have been closer to 25lbs.) Open the USPS case #26696158.
10. I then contacted eBay's customer service and explained the situation and provided the USPS case number. They assured me that the case would not be closed. The "technical difficulty was that I was not allowed to respond before May 25th.
11. On May 20th, 6:38pm the case was closed by eBay claiming I had failed to respond.
12. At 9:28 pm ebay told me they could not grant my appeal and found in favor of the Seller and I would not receive a refund.
13. At 9:29 pm ebay told me my appeal SR# 1-325706746303 was denied. I responded to this email providing the details of the situation. I then submitted a negative review for the seller to warn others of the tracking scam. eBay would never post this negative review.

14. I contacted eBay customer service again and explained the situation. I was assured that my money would be returned to me in a couple of days, they would take down the seller's fraudulent site, etc..
15. May 21st 8:04pm I receive an email from ebay customer service, SR#1-325708909853, claiming they had reviewed my case and were keeping the original finding in favor of the Seller and I would not receive a refund.
16. May 22nd at 6:15pm the final back and forth for SR# 1-325706746303 was received and said I had to upload the proof to ebay about the tracking number to ebay.
17. I then uploaded a pdf of the letter I received from USPS with the information that the package was delivered to Scotty Hollow Drive. Not my address.
18. May 22nd 10:59pm now I was denied the appeal on SR# 1-326298104213.
19. May 24th I received another denial from the SiteUpload SR# 1-327344389745.
20. May 25th seller litaoqw was still listing the Graco sprayer and had 13 sold but now had two negative report both complaining about never receiving the item. My report was not included.

Allegations

Since the FBI and US Attorney are strictly political organizations that care nothing about their obligations to protect the average person the Internet⁴ has

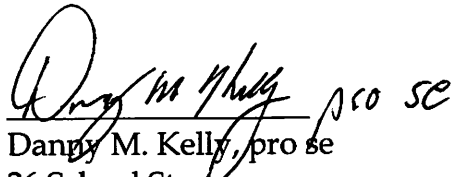
⁴ www and email

become a home for wire fraud and scamming. This has forced people to look too large known trusted places to deal with purchasing goods. The Defendant is one such organization. They presumable provide guarantees about the trustworthiness of its sellers. e.g. that you will receive the item you order. For this they collect huge fees. However, the Defendant has decided to be part of and encourage wire fraud with their false guarantees to and abuse of buyers who have been subjected to wire fraud. Willfully racketeering with sellers to commit wire fraud on unsuspected buyers such as the Plaintiff in violation of RICO laws.

Plaintiff alleges that the Defendant has intentionally, willingly, wantonly and culpably violated RICO laws to commit wire fraud to fraudulently steal monies from Plaintiff. Plaintiff is requesting declaratory, compensatory, emotional, and punitive damages in an amount to be determined by the Court.

The Plaintiff in the above-entitled cause demands a trial by jury.

6/1/2021


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